



IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

Form To Be Used By A Prisoner in Filing a Complaint
Under the Civil Rights Act, 42 U.S.C. § 1983

THOMAS G. MORGAN, #1294095

Plaintiff's name and ID Number

Michael UNIT

Place of Confinement

CASE NO:

6:07cv0325

(Clerk will assign the number)

v.

LUNA S. BLALACK, Michael UNIT

Defendant's name and address

Wesley W. PRATT, MI. UNIT

Defendant's name and address

Brian K. MARSHALL - MI UNIT

Defendant's name and address

(DO NOT USE "ET AL.")

INSTRUCTIONS - READ CAREFULLY

NOTICE:

Your complaint is subject to dismissal unless it conforms to these instructions and this form.

1. To start an action you must file an original and one copy of your complaint with the court. You should keep a copy of the complaint for your own records.
2. Your complaint must be legibly handwritten in ink, or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space, **DO NOT USE THE REVERSE SIDE OR BACK SIDE OF ANY PAGE.** ATTACH AN ADDITIONAL BLANK PAGE AND WRITE ON IT.
3. You must file a separate complaint for each claim you have unless the various claims are all related to the same incident or issue or are all against the same defendant, Rule 18, Federal Rules of Civil Procedure. Make a short and plain statement of your claim, Rule 8, Federal Rules of Civil Procedure.
4. When these forms are completed, mail the original and one copy to the Clerk of the United States Court for the appropriate District of Texas in the Division where one or more named defendants are located, or where the incident giving rise to your claim for relief occurred. The list labeled as "VENUE LIST" is posted in your unit law library. It is a list of Texas prison units indicating the appropriate District Court, the Division and an address of the Divisional Clerks.

FILING FEE AND IN FORMA PAUPERIS

1. In order for your complaint to be filed, it must be accompanied by the filing fee of **\$350.00**.
2. If you do not have the necessary funds to pay the filing fee in full at this time, you may request permission to proceed *in forma pauperis*. In this event you must complete the application to proceed *in forma pauperis* (IFP), setting forth the information to establish your inability to prepay the fees and costs or give security therefore. You must also include a six (6) month history of your Inmate Trust Account. You can acquire the application to proceed IFP and appropriate Inmate Account Certificate from the law library at your prison unit.
3. 28 U.S.C. 1915, as amended by the Prison Litigation Reform Act of 1995 (PLRA), provides, "...if a prisoner brings a civil action or files and appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee." Thus, the Court is required to assess and, when funds exist, collect, the entire filing fee or an initial partial filing fee and monthly installments until the entire amount of the filing fee has been paid by the prisoner. If you submit the application to proceed *in forma pauperis*, the Court will apply 28 U.S.C. 1915 and, if appropriate, assess and collect the entire filing fee or an initial partial filing fee, then monthly installments from your Inmate Account, until the entire **\$350** filing fee has been paid.
4. If you intend to seek *in forma pauperis* status, then do not send your complaint without an Application to Proceed IFP, and the Certificate of Inmate Trust Account. Complete all the essential paperwork before submitting it to the Court.

CHANGE OF ADDRESS

It is your responsibility to inform the Court of any change of address and its effective date. Such notice should be marked **"NOTICE TO THE COURT OF CHANGE OF ADDRESS"** and shall not include any motions(s) for any other relief. Failure to file a NOTICE TO THE COURT OF CHANGE OF ADDRESS may result in the dismissal of your complaint pursuant to Rule 41(b), Federal Rules of Civil Procedures.

I. PREVIOUS LAWSUITS:

- A. Have you filed any other lawsuits in the state or federal court relating to imprisonment? _____ YES ☒ NO
- B. If your answer to "A" is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)
 1. Approximate date of filing lawsuit: _____
 2. Parties to previous lawsuit:
Plaintiff(s): _____
Defendant(s): _____
 3. Court (If federal, name the district; if state, name the county) _____
 4. Docket Number: _____
 5. Name of judge to whom case was assigned: _____
 6. Disposition: (Was the case dismissed, appealed, still pending?) _____
 7. Approximate date of disposition: _____

II. PLACE OF PRESENT CONFINEMENT: Michael Unit

III. EXHAUSTION OF GRIEVANCE PROCEDURES:

Have you exhausted both steps of the grievance procedure in this institution? ☒ YES ☐ NO

Attach a copy of the Step 2 grievance with the response supplied by the prison system.

IV. PARTIES TO THE SUIT:

A. Name of address of plaintiff: THOMAS G. MORGAN, #1294095 - Michael - UNIT - BOX 4500, Tennessee Colony, TX. 75886

B. Full name of each defendant, his official position, his place of employment, and his full mailing address.

Defendant #1: LUANA S. BLALOCK, FOOD-SERVICE OFFICER, Michael UNIT - BOX 4500, Tennessee Colony, TX. 75886

Briefly describe the act(s) or omission(s) of this defendant, which you claimed harmed you.

SADISTICALLY, MALICIOUSLY, DISCRIMINATORILY USE OF FORCE TO HARM
Defendant #2: WESLEY W. PRATT, WARDEN - Michael UNIT

Briefly describe the act(s) or omission(s) of this defendant, which you claimed harmed you.

FAILURE TO IMPLEMENT A MEANINGFUL APPARATUS TO SUBSTANTIATE GRIEVANCES
Defendant #3: BRIAN K. MARSHALL, FOOD SERVICE - MANAGER, Michael - UNIT

Briefly describe the act(s) or omission(s) of this defendant, which you claimed harmed you.

FAILED TO INTERVENE OR SUPERVISE

Defendant #4: _____

Briefly describe the act(s) or omission(s) of this defendant, which you claimed harmed you.

Defendant #5: _____

Briefly describe the act(s) or omission(s) of this defendant, which you claimed harmed you.

V. STATEMENT OF CLAIM:

State here in a short and plain statement the facts of your case, that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need not give any legal argument or cite any cases or statutes. If you intent to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember that the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.

ON MARCH 28, 2007, WHILE WORKING AS A COOK IN THE PRISON KITCHEN, FOOD-SERVICE OFFICER BLALACK, BECAME ENRAGED AT ALL AFRICAN-AMERICAN PRISONERS, SCREAMED NUMEROUS RACIAL EPITHETS THAT WERE Demeaning TO PRISONER'S OF MY RACE (AFRICAN-AMERICAN) WHERE OFFICER BLALACK, (A WHITE OFFICER) TIRADE ESCALATED, HER SUPERVISORS REFUSED TO INTERVENE, (BRIAN K. MARSHALL), AS A RESULT, OFFICER BLALACK DIRECTED HER RACIAL LACED OBSCENTIES AT ME, WHEN I TRIED TO IGNORE THESE PROFANE RACIAL SLURS, OFFICER BLALACK INTENTIONALLY HURLED A "COOKING SHEET PAN" AS A PROJECTILE TO STRIKE ME, →

VI. RELIEF: State briefly exactly what you want the court to do for you. Make no legal arguments. Cite not cases or statutes.

JURY TRIAL, PUNITIVE, COMPENSATORY DAMAGES, COST OF COURT, AND ALL ELSE RELIEF THIS COURT DEEM EQUITABLE AND JUST UNDER LAW.

VII. GENERAL BACKGROUND INFORMATION:

A. State, in complete form, all names you have ever used or been known by including any and all aliases:

B. List all TDCJ-ID identification numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you, if know to you.

VIII. SANCTIONS:

A. Have you been sanctioned by any court as a result of any lawsuit you have filed? ____ YES ☒ NO

B. If your answer is "yes", give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (If federal, give district and division): _____
2. Case Number: _____
3. Approximate date sanctions were imposed: _____
4. Have the sanctions been lifted or otherwise satisfied? ____ YES ____ NO

CLAIMS CONTINUE:

All while MAKING These RACIALLY LEWD COMMENTS. The Blow From The sheet Pan CAUSED SERIOUS BODILY INJURY TO ME, REQUIRING MEDICAL ATTENTION, where MY WRIST WAS CUT, AND DAMAGING TENDONS in MY WAIST THAT NOW CAUSES SEVERE PAIN when I NOW MOVE MY WRIST OR ENGAGE IN ANY HAND MOVEMENT.

FOOD SERVICE SUPERVISOR'S, AND WARDEN PRATT, WAS AWARE OF OFFICER BLALACK'S DISCRIMINATORY PRACTICE TOWARD AFRICAN-AMERICAN PRISONERS, AND IGNORED OTHER BIZARRE CONDUCT BY BLALACK. Where NUMEROUS OTHER GRIEVANCES BY AFRICAN-AMERICAN PRISONER'S HAVE BEEN DISREGARDED, AND THE ABOVE ACTIONS ALLOWED TO RUN AMOK, WARDEN PRATT, HAS REFUSED TO INTERVENE OR DISCIPLINE HIS STAFF FOR MISTREATING PRISONER'S.

WARDEN PRATT, in charge OF THE UNIT'S GRIEVANCE APPARATUS, FAILED TO IMPLEMENT A MEANINGFUL INVESTIGATIVE PROCESS, Where THERE IS NO-WAY FOR PRISONER'S TO IDENTIFY OR SUBSTANTIATE CLAIMS AGAINST OFFICER'S MISCONDUCT.

AFTER MY ASSAULT, I HAVE BEEN FORCED TO WORK IN THIS HOSTILE, RACIALLY BIASED ATMOSPHERE, Where OFFICER BLALACK ARBITRARILY, MALICIOUSLY ATTACKS PRISONER'S WITH IMPUNITY. Where I WAS SADISTICALLY ASSAULTED FOR NO LEGITIMATE REASON, AND WITNESSES TO SUBSTANTIATE MY CLAIM NEVER INTERVIEWED BY THE GRIEVANCE PROCESS.

C. Has any court ever warned or notified you that sanctions could be imposed? ____ YES ☒ NO

D. If your answer is "yes", give the following information for every lawsuit in which warning was imposed.
(If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed warning (if federal, give the district and division): _____
2. Case number: _____
3. Approximate date warning were imposed: _____

Executed on: _____
(Date)

Thomas G. Morgan
(Printed Name)

x Thomas Morgan
(Signature of Plaintiff)

PLAINTIFF'S DECLARATIONS

1. I declare under penalty of perjury all facts presented in this complaint and attachment thereto are true and correct.
2. I understand if I am released or transferred, it is my responsibility to keep the Court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
3. I understand that I must exhaust all available administrative remedies prior to filing this lawsuit.
4. I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions in a Court of the United States while incarcerated or detained in any facility, which lawsuits are dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger or serious physical injury.
5. I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire \$350 filing fee and costs assess by the Court, which shall be deducted in accordance with the law from the inmate account by my custodian until the filing fee is paid.

Signed this 7 day of July, 20 07.
(Day) (Month) (Year)

Thomas G. Morgan
(Printed Name)

x Thomas Morgan
(Signature of Plaintiff)

WARNING: The Plaintiff is hereby advised any false or deliberately misleading information provided in response to the following questions will result in the imposition of sanctions. The sanctions the Court may impose include, but are not limbed to monetary sanctions and/or the dismissal of this action with prejudice.